

**Department of Community Planning and Economic Development - Planning Division**  
**Conditional Use Permit**  
**BZZ-5136**

**Date:** May 23, 2011

**Applicant:** Amy Rosenthal dba Metro Dogs

**Address of Property:** 506 – 11<sup>th</sup> Avenue North

**Project Name:** Metro Dogs

**Contact Person and Phone:** Amy Rosenthal 612-719-5777

**Planning Staff and Phone:** Jim Voll 612-673-3887

**Date Application Deemed Complete:** April 20, 2011

**End of 60 Day Decision Period:** June 19, 2011

**Ward: 5 Neighborhood Organization:** North Loop

**Existing Zoning:** I2 Medium Industrial District and DP Downtown Parking Overlay District

**Proposed Zoning:** Not applicable for this application.

**Zoning Plate Number:** 13

**Legal Description:** Not applicable for this application.

**Proposed Use:** Animal shelter/dog daycare.

**Concurrent Review:**

**Conditional use permit:** To allow an animal shelter/dog daycare.

**Applicable zoning code provisions:** Chapter 525, Article VII Conditional Use Permits and Chapter 530, Site Plan Review.

**Background:** The applicant proposes to locate a dog daycare at the site in a building that used to house the Minneapolis Animal Control shelter until 2004. Currently the building is vacant. The zoning code does not specifically list dog day care as a use, but it has been determined to be substantially similar to an animal shelter by the zoning administrator. An animal shelter requires a conditional use permit in the I2 District.

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The site is in conformance with the site plan used by the City when it owned the building, so a site plan review application is not required; however, there are some site changes proposed by the applicant and required by current zoning code standards. The applicant proposes to add a fenced “potty area” at the rear of the building. There is a curb cut on the east side south of the east-west alley that is not shown on the site plan. Either the parking or the curb cut can be in this location, but not both. The site plan shall be updated to show the cut closed with landscaping between the parking and the street, or the parking spaces removed from the plan in front of the curb cut. This is required regardless of the conditional use permit application.

The site is part of the downtown zoning study that was undertaken to implement the *North Loop Small Area Plan*, but the draft rezoning study shows no change to the existing zoning for this site.

Please see the attached letter from the North Loop neighborhood group in support of the application.

### **CONDITIONAL USE PERMIT (for a animal shelter/dog daycare)**

#### **Findings as required by the Minneapolis Zoning Code:**

The Minneapolis City Planning Department has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

- 1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

Approval of the conditional use permit will allow a building that was built as an animal shelter to continue to be used for a similar use. The site will not be a shelter and will be used only for dog daycare. The site is surrounded by commercial uses and industrial uses. With the staff recommended conditions of approval, the proposed use should have little impact on the surrounding area.

- 2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

The surrounding area is fully developed. The future land use for this site in the adopted small area plan is “mixed use.” If the area redevelops with a mix of residential and other uses, this would be a service that would be compatible with that type of development. Approval of the conditional use permit will allow a building that was built as an animal shelter to continue to be used for a similar use. The site will not be a shelter and will be used only for dog daycare. The site is surrounded by commercial uses and industrial uses. The site will be open from 6:00 a.m. to 10:00 p.m. With the staff recommended conditions of approval, the proposed use should have little impact on the surrounding area.

- 3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.**

Utilities and access are existing and adequate.

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**4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.**

The site is required to have 10 off-street parking spaces and 14 are provided. One accessible space is required and one is provided. Some of that parking may have to be eliminated if the east side curb cut is retained; however, it would not eliminate more than three spaces, so the site would still provide the required parking. The use should not significantly add congestion to the public streets.

**5. Is consistent with the applicable policies of the comprehensive plan.**

*The Minneapolis Plan for Sustainable Growth* designated this area as “transitional industrial. *The North Loop Small Area Plan* was adopted by the City Council on April 16, 2010. The plan amended the land use for this area and shows this parcel as “mixed use” on the land use map (page 81). The continued use of the site as a dog daycare is not inconsistent with this designation; however, a future redevelopment would support a greater intensity at the site such as a multi-story, mixed use building.

**6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of the conditional use permit.**

The site will conform to the applicable regulations of the district in which it is located upon the approval of the conditional use permit.

**Specific Development Standards for an animal shelter:** Except in the I3 District, all activity shall be within a completely enclosed building with soundproofing and odor control. Outdoor kennels shall be prohibited.

The building was originally constructed as an animal shelter for Minneapolis Animal Control, so noise and odor should not be a problem. There is an outdoor bathroom area for the dogs and the applicant understands that it is only to be used for brief bathroom breaks, that it is not allowed as an outdoor play area, and that barking dogs should be brought back into the facility immediately.

**Signs:** Signs are subject to 531 and 543 of the Zoning Code. All new signs are required to meet the requirements of Chapter 543 of the zoning code and permits are required from the Zoning Office. The applicant is aware that all signage requires Zoning Office review and approval and permits.

**DP Downtown Parking Overlay District:** No changes to the layout of the parking are proposed by the applicant. Staff recommends that the parking and curb cut at the northeast area be brought into conformance with the zoning code requirements. This is in conformance with the DP Downtown Parking Overlay District standards.

**Parking lot screening:** Section 530.170 of the zoning code requires that a three foot high, 60 percent opaque screen be provided between the parking and the public street.

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### **RECOMMENDATION:**

#### **Recommendation of the Community Planning and Economic Development Department - Planning Division for the conditional use permit:**

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the conditional use permit for a animal shelter/dog day care for property located at 506 11<sup>th</sup> avenue North, subject to the following condition:

- 1) The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
- 2) Provision of the parking lot screening as required by Sections 530.170 and 531.110 of the zoning code.
- 3) Dogs shall not be left unattended in the outdoor area. Barking dogs shall be returned indoors immediately.
- 4) The outdoor dog area shall be screened with a privacy fence, subject to Section 535.420-430 of the zoning code.
- 5) The site plan shall be updated to show the curb cut closed with landscaping between the parking and the street, or the parking spaces removed from the plan in front of the curb cut as required by Section 541.390 of the zoning code.

### **Attachments:**

1. Statement from the applicant.
2. Letter from the neighborhood group.
3. Zoning map.
4. Site plan and floor plan.
5. Photos.